

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
N/S Kent Ave., cor. of Sunset * ZONING COMMISSIONER
Avenue, SE/S Sunset Avenue *
1508A Kent Avenue * OF BALTIMORE COUNTY
1st Election District *
1st Councilmanic District * Case No. 92-33-A
Mason J. Felts *
Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests, pursuant to the Petition for Zoning Variance, a variance from Section 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback of 2 ft. in lieu of the required 7.5 ft. for an open projection (wooden deck), as more particularly described on Petitioner's Exhibit No. 1.

The Petitioner, Mason J. Felts, appeared and testified. Also appearing on behalf of the Petitioner was Cora B. Felts, his sister, and Marie Rivera, his mother. Appearing as Protestants were Skip and Becky Meador, who reside immediately next door to the Petitioner's property, and Ray Hooper.

The Petitioner indicated that he has owned the subject property for approximately one year and is a spec builder by occupation. After constructing this house, he gave the property to his mother, a 67 year old lady who suffers from hypertension and arthritis and cannot climb steps because of her physical disabilities. In order to increase her enjoyment of the property, he constructed an 8 x 16 ft. deck on the side yard property. The deck is set back two feet from the side yard property line rather than the required 7.5 ft. Mr. Felts also testified that the deck was constructed at its present location because of his mother's disability, the

unusual configuration of the lot and placement of the dwelling thereon. Specifically, immediately to the rear of the dwelling is a 30 x 28 ft. garage which prohibits the construction of the deck in the rear yard of the property. In the other side yard, the property is immediately adjacent to a paper road designated as Sunset Ave. The Petitioner stated that the deck could not be located on that side of the property because of the potential construction of that thoroughfare. Lastly, Mr. Felts noted that his neighbor's house at 1508 Kent Ave did not feature any windows facing his house so that the deck would not be intrusive upon his neighbors.

In opposition to the deck, Mr. and Mrs. Meador, the immediate next door neighbors, testified that they perceive the deck to be an invasion of their privacy, particularly to their back yard. Although they acknowledge that their house has no windows on that side of the dwelling, they indicated that voices come through the wall and that the placement of the deck was an intrusion upon the use of their pool.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soloy, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variances were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. Specifically, the property is so configured that the placement of the deck is not practical anywhere other than where it has been constructed. In addition, the variance requested will not be detrimental to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17th day of Oct., 1991 that, pursuant to Petition for Zoning Variance, a variance from Section 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback of 2 ft. in lieu of the required 7.5 ft. for an open projection (wooden deck), in accordance with Petitioner's Exhibit No. 1, is hereby GRANTED, subject,

however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn
cc: Peoples Counsel

ORDER RECEIVED FOR FILING
Date 10/10/91
By M. Meador

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Date 10/10/91
By M. Meador

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Date 10/10/91
By M. Meador

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, MD 21204
887-3353

October 10, 1991

Mr. Mason J. Felts
5949 Sunset Avenue
Baltimore, Maryland 21207

RE: Petition for Zoning Variance
Case No. 92-33-A

Dear Mr. Felts:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.
cc: Peoples Counsel
cc: Protestant

Petition for Variance

to the Zoning Commissioner of Baltimore County 92-33-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback of 2 ft. in lieu of the required 7.5 ft. for an open projection (wooden deck), in accordance with Petitioner's Exhibit No. 1, is hereby GRANTED, subject,

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

Side yard Deck 8' x 16' To enter Dining Room from the outside. My Brother's Home for my Mother whom is 64 yrs. young. She has problems with her legs, an lives the outdoors. (see Attached)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to aid and be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

ESTIMATED LENGTH OF HEARING - 1/2HR. +1HR.

AVAILABLE FOR HEARING

MON./TUES./WED. - NEXT TWO MONTHS

ALL OTHER DATE 7/17/91

REVIEWED BY: SJA DATE 7/17/91

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Name

Address

City and State

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING - 1/2HR. +1HR.

AVAILABLE FOR HEARING

MON./TUES./WED. - NEXT TWO MONTHS

ALL OTHER DATE

REVIEWED BY: DATE

The Home is Already Constructed.
The side deck was built to have easier access to the out side than the kitchen or Dining Room. To relocate the deck to another area of the house would create a lot of difficulty due to the back of the house, which has Bed Rooms to the Rear and a Car Garage and my mother's condition will and problems for her.
1508 A Kent Avenue

1st Dist. 92-33-A
Mason J. Felts
788-4186

NASON J. FELTS 92-33-A

of the second part.

WITNESSETH That in consideration of the sum of Twenty Six Thousand Dollars (\$26,000.00) the receipt whereof is hereby acknowledged,

the said parties of the first part

do grant and convey to the said party of the second part, his

personal representatives and assigns, in fee simple, all

that lot of ground situate in Baltimore County, State of Maryland

and described as follows, that is to say:

BEGINNING FOR THE SAME at the intersection of the northwest side of Kent Avenue and the southwest side of Sunset Avenue, as both laid out 40 feet wide. Said point of beginning being at the easternmost corner of Lot 40, Block 6, as shown on the Plat entitled CATONSVILLE GARDENS, which plat is recorded among the Land Records of Baltimore County in Plat Book 6, folio 157. Running thence and binding on the northwest side of Kent Avenue and on a part of the southeasternmost side of the aforesaid Lot 40, Block 6, (1) South 53 degrees 35 minutes 00 seconds West 60.00 feet, thence leaving the northwest side of Kent Avenue and running for a new line of division across Lots 40, 39, 38, 37, 36 and 35, Block 6, of said plat and parallel to Sunset Avenue, (2) North 31 degrees 32 minutes 30 seconds West 120.42 feet to intersect the northeasternmost side of Lot 35, Block 6 as shown on the aforesaid plat, (3) South 31 degrees 32 minutes 30 seconds East 120.42 feet to the place of beginning. Containing 0.165 more or less acre of land. Being or intended to be the northeasternmost one-half of Lots 40, 39, 38, 37, 36 & 35, Block 6, as shown on the plat entitled CATONSVILLE GARDENS which plat is recorded among the Land Records of Baltimore County in Plat Book 6, folio 157 and being known as Lot 35-B as shown on the plat recorded with a deed in Liber SM No. 7780, folio 155.

BEING the same lot of ground which by deed dated January 27, 1988, recorded among the Land Records of Baltimore County in Liber SM No. 7780, folio 155 was granted and conveyed by Charles R. Fair, Jr. and wife unto the parties of the first part.

RECEIVED FOR TRANSFER
JUL 10 1991
BALTIMORE COUNTY
CLERK OF THE COURT

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1st Date of Posting: 2-3-91
Posted for: Mason J. Felts
Petitioner: Mason J. Felts
Location of property: 1508A Kent Avenue
Location of Sign: 1508A Kent Avenue
Remarks: _____
Posted by: [Signature] Date of return: 2-6-91
Number of Signs: 1

CERTIFICATE OF PUBLICATION

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 West Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 92-33-A
1508A Kent Avenue, corner of Sunset Avenue, SE/8
Sunset Avenue
1508A Kent Avenue
1st Election District
1st Councilmanic
Petitioner(s): Mason J. Felts
Hearing Date: Friday, Sept. 27, 1991 at 11:00 a.m.

Variance to allow a side yard setback of 2 ft. in lieu of the required 7.5 ft. for an open projection.
Zoning Commissioner of Baltimore County
CJW/163 August 15

THIS IS TO CERTIFY, that the annexed advertisement was published in the CATONSVILLE TIMES, a weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8-15-91

CATONSVILLE TIMES

S. Zehe Online
Publisher

\$ 56.70

CERTIFICATE OF PUBLICATION

TOWSON, MD. 8-15-91
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8-15-91

THE JEFFERSONIAN,

S. Zehe Online
Publisher

\$ 56.70

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt

Date

Cashier Validation

Please Make Checks Payable To: Baltimore County 02-10-524009-27-91 \$25.00

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: P 001 6150
Number

receipt

Date

Cashier Validation

Please Make Checks Payable To: Baltimore County 02-10-524009-27-91 \$81.70

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

COPY

AUGUST 2, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 West Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 92-33-A
1508A Kent Avenue, corner of Sunset Avenue, SE/8
Sunset Avenue
1508A Kent Avenue
1st Election District - 1st Councilmanic
Petitioner(s): Mason J. Felts
HEARING: FRIDAY, SEPTEMBER 27, 1991 at 11:00 a.m.

Variance to allow a side yard setback of 2 ft. in lieu of the required 7.5 ft. for an open projection

J. Robert Winarski
Zoning Commissioner of Baltimore County

cc: Mason J. Felts

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

September 12, 1991

Mr. Mason J. Felts
5949 Sonnet Avenue
Baltimore, MD 21207

RE: Item No. 24, Case No. 92-33-A
Petitioner: Mason J. Felts
Petition for Variance

Dear Mr. Felts:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this
31st day of July, 1991.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:
James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Mason J. Felts

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: August 16, 1991
Zoning Administration and Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Walker Property, Item No. 305
Parsons Property, Item No. 9
Donovan Property, Item No. 10
Wolf Property, Item No. 17
Pearson Property, Item No. 19
Stifler Property, Item No. 22
Felts Property, Item No. 24
Melchor Property, Item No. 25
Faulkner Property, Item No. 27
McLilton Property, Item No. 32
Horne Property, Item No. 33
Elsnic Property, Item No. 38
Mugrage Property, Item No. 39
Copeland Property, Item No. 42
Eckert Property, Item No. 44
Hartel Property, Item No. 50
Gimbal/Gaffney Property, Item No. 51

In reference to the Petitioners' requests, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/pat

NUMEROUS.ITM/ZAC1

Rec'd 8/20/91

Y W Z T < > W 7 J W

TELEPHONE 539-1140 TELEPHONE 947-5445

ANANTA SRIKUMPOL, M D.

2142
2142
WASHINGTON BLVD. BATHURST WEST PRATT ST
BALTIMORE, MD 21230 BALTIMORE, MD 21223

NAME: CORA CULLEY AGE 2-10-5
ADDRESS DATE
B
Phonetic
C. Hospital
(1) Baltimore
(2) ANNIE
CAN NOT CLIMB STEPS.
A.F.

CASE NUMBER

92-33-A

PETITIONER'S EXHIBIT #

24

A black and white architectural drawing showing the side elevation of a house. The house has a gabled roof and a chimney on the left side. The drawing is labeled with the number 24 in the top right corner.

Side of Peterson
House facing front to
Yard
7-12-91

24

A black and white architectural drawing showing the front elevation of a house. The house has a gabled roof and a chimney on the right side. The drawing is labeled with the number 24 in the top right corner.

Front of Peterson House
7-12-91

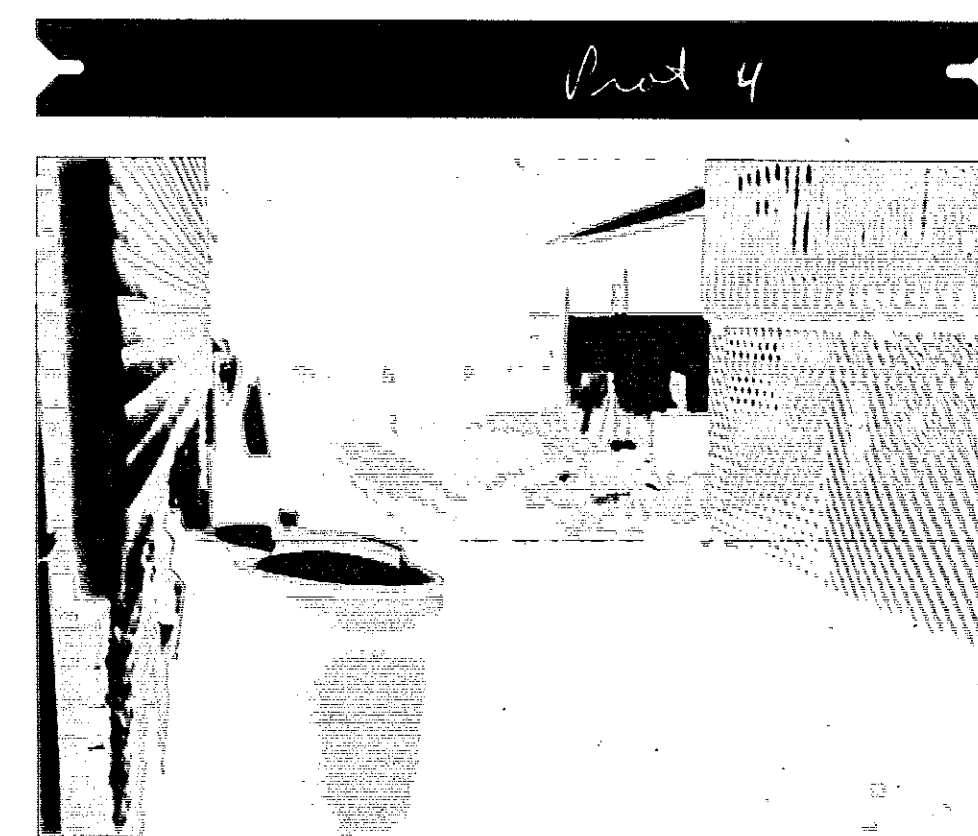
24

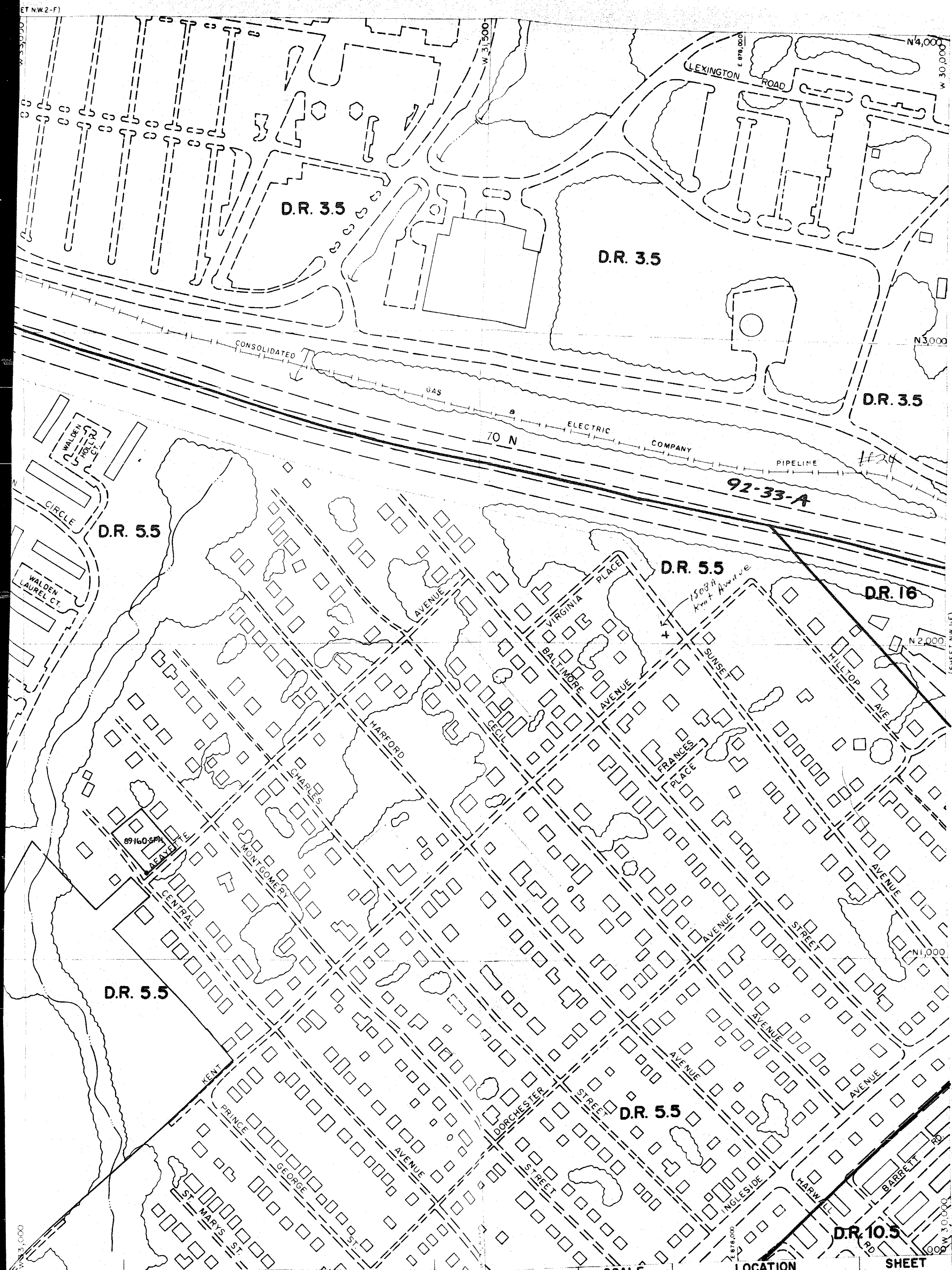
A black and white architectural drawing showing the rear elevation of a house. The house has a gabled roof and a chimney on the left side. The drawing is labeled with the number 24 in the top right corner.

Rear of Peterson
House facing back to
Yard
7-12-91

A black and white architectural drawing showing the front elevation of a house. The house has a gabled roof and a chimney on the right side. The drawing is labeled with the number 24 in the top right corner.

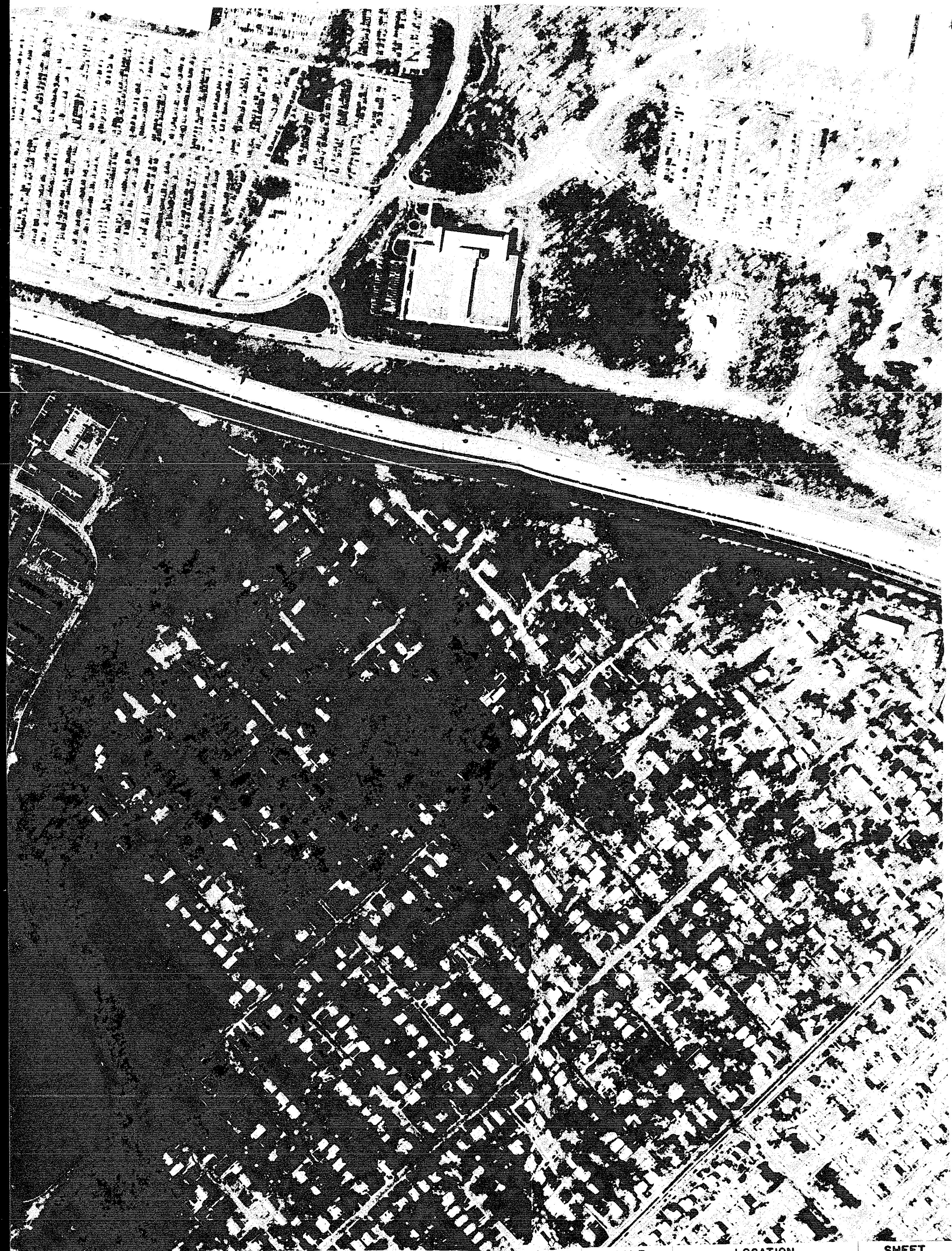
Front of Peterson
House facing front to
Yard
7-12-91





RE COUNTY
NNING AND ZONING
ZONING MAP

SCALE 1" = 200' ±	LOCATION CATONSVILLE	SHEET N.W. 1-F
DATE OF PHOTOGRAPHY JANUARY 1986		



RE COUNTY
NNING AND ZONING
GRAPHIC MAP

SCALE 1" = 200' ±	LOCATION CATONSVILLE 92-33-A	SHEET N.W. 1-F
DATE OF PHOTOGRAPHY JANUARY 1986		